



WEB COPY



W.P.No.7395 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM :

**THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER
KUMAR**

W.P.No.7395 of 2018

N.Senthilkumar

... Petitioner

Vs.

1.The Director,
O/o.The Director of Survey and Settlement,
Ezhilagam,
Chepauk, Chennai – 600 005.

2.The Secretary to Government,
Revenue Department,
Secretariat,
Fort St.George,
Chennai – 600 009.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to accord sanction for payment of interest on the belated payment of arrear salary of Rs.6,11,716/- @ 18% per annum and draw and pay the same by considering the petitioner's representation dated 25.02.2018 within a reasonable time to be fixed by this Court.



W.P.No.7395 of 2018

WEB COPY

For Petitioner : Mr.S.Sivakumar
For Respondents : Mr.R.L.Karthika
Government Advocate

ORDER

It is the case of the petitioner that he was initially appointed as Junior Assistant – cum – Typist in the Tamil Nadu Ministerial Service by Direct Recruitment through Tamil Nadu Public Service Commission and posted in the Agricultural Income Tax Department, Chennai – 600 005 and accordingly he joined the said post and subsequently he was promoted to the post of Assistant from 01.10.2003 and thereafter he was redeployed to the post of Commissioner of Survey and Settlement, Chennai in the cadre of Assistant on 01.11.2006 and he worked as such till 30.03.2015 in the office of the first respondent. Subsequently, the petitioner was promoted to the post of Superintendent by proceedings dated 24.03.2015.

2. However, according to the learned counsel for the petitioner, annual periodical increments in the cadre of Assistant which were due to the petitioner on 01.10.2009, 01.10.2010, 01.10.2011, 01.10.2012 and 01.10.2013 were not released to the petitioner, but it is only after the petitioner approached this Court by filing W.P.No.14749 of 2017 and



W.P.No.7395 of 2018

WEB COPY

pursuant to order dated 20.06.2017 passed by this Court, the respondents have considered the claim of the petitioner for release of annual increments due to the petitioner in the cadre of Assistant as well as in the cadre of Superintendent and issued appropriate orders only in the year 2017 and finally an amount of Rs.6,11,716/- was released in favour of the petitioner only on 01.11.2017.

3. Thus, it is contended that because of the delay on the part of the respondents. The petitioner was deprived of Rs.6,11,716/- when it was due and therefore he is entitled for payment of interest for such belated payment at the rate of 18% p.a.

4. As already observed above, the petitioner has already made a claim for payment of interest at 18% before the respondents by submitting the representation on 23.02.2018 and the same is pending. Though the respondents have filed counter affidavit, there nothing to indicate that the claim of the petitioner was considered by the respondents so far.



W.P.No.7395 of 2018

WEB COPY

5. The learned Government Advocate appearing on behalf of the respondents tried to justify the action in delayed payment for release of annual increments and arrears on the ground that there is a gap in the service of the petitioner which was regularized only in the year 2017.

6. In the light of the above, especially the fact that the representation submitted by the petitioner is still pending with the respondents, this Court is not inclined to enter into the merits of the case as to whether the petitioner is entitled for the interest as claimed. As the representation made by the petitioner is pending before the respondents, this Court is of the considered view that it would be appropriate to direct the representation to consider the said representation for grant of interest and pass appropriate orders thereon in accordance with law. In case the respondents come to a conclusion that the petitioner is no way responsible for the delay and, the respondents are responsible for delayed payment of arrears of salary, the respondents cannot escape their liability for the belated payment of arrears of salary. In any event, if it is concluded that the respondents are response for the delay, the respondents are directed to calculate and pay the interest on such amounts which are paid belatedly at



W.P.No.7395 of 2018

WEB COPY

the rate of 6% p.a. The respondents are further directed to complete the entire exercise as directed above within a period of 12 months from the date of receipt of a copy of this order.

7. This Writ Petition is accordingly disposed of. No costs.

04.04.2024

Index : Yes/No
Speaking Order : Yes/No
jas

To:

1.The Director,
O/o.The Director of Survey and Settlement,
Ezhilagam,
Chepauk, Chennai – 600 005.

2.The Secretary to Government,
Revenue Department,
Secretariat,
Fort St.George,
Chennai – 600 009.



WEB COPY



W.P.No.7395 of 2018

MUMMINENI SUDHEER KUMAR,J.

jas

W.P.No.7395 of 2018

04.04.2024